IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1569 of 2004

SUBHRAM SWAMI
V/S
RAJASTHAN FINANCIAL CORPORATION & ANR

Mr. JR BENIWAL & Mr. BL CHOUDHARY, for the appellant / petitioner

Mr. SG OJHA, for the respondent

Date of Order : 18.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant. Perused the impugned order.

By the impugned order, the learned trial court has decided the application filed by the Corporation under Section 31(1)(aa) of the State Financial Corporations Act, and held the Corporation entitled to recover the amount mentioned therein, and also bound down the present appellant not to alienate the jeep, and the house and land. At the same time has directed that the Corporation shall be entitled to interest @ 6% per annum only.

In my view, the proceedings despite being in the nature of execution have been tried by the learned trial court as a regular civil suit inasmuch as after reply

issues were framed, and evidence has been recorded. Be that as it may. The learned trial court has found documents to be proved. Obviously, therefore, in view of the terms of the document, the appellant has been held liable. In such circumstances, these findings do not require any interference.

Learned counsel for the appellant submits that some leniency may be invoked in the matter of liability of interest. Suffice it to say that the learned trial court has only awarded interest @ 6% which can hardly be said to be excessive.

The appeal thus has no force, and is dismissed summarily.

(N P GUPTA),J.

/sushil/